

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,249 04/05/99 STELMAN B HELLO-000308

LM02/0720

EXAMINER

THOMAS B HAVERSTOCK  
HAVERSTOCK & OWENS  
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SAINT SURIN,J

ART UNIT PAPER NUMBER

2747

*5*

DATE MAILED:

07/20/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/286,249

Applicant(s)

Bruce W. Stelman

Examiner

Jacques M. Saint-Surin

Group Art Unit

2747



Responsive to communication(s) filed on 7/12/99, 4/5/99

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1 and 41-63 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 41-63 is/are allowed.

Claim(s) 1 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Interference***

1. Claims 41-63 filed on 4/5/99 of this application has been copied from U.S. Patent No. 5,729,603 issued 3/17/98 for the purpose of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application.

Applicant is given ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this communication to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application. See 37 CFR 1.607(a)(5). THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THE TIME SPECIFIED IN THIS ACTION.

2. Claims 41-63 filed on 4/5/99 are rejected under 35 U.S.C. 135(b) as not being made prior to one year from the date on which U.S. Patent No. 5,729,603 issued 3/17/98 was granted. Note that the issued claims were issued on 3/17/98 in US Patent 5,729,603. Thus, 35 U.S. C 135 (b) is met because a claim which is the same as, or for the same or substantially the same subject matter as, a claim of an issued patent may not be made in any application unless such a claim is made prior to one year from the date on which the patent was granted.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 of this title before the invention thereof by the applicant for patent.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Frick et al. (US Patent 5,473,676).

The claims are directed to a telecommunications interface system that automatically configures an accessory having a predetermined number of electrical accessory contacts to appropriately interface with a telephone base unit having two electrical output contacts that can be read in Frick et al. as follows:

Frick et al. disclose a telephone handset interface that is inserted between telephone handset and base for automatic switching between voice and data modes of communication. The interface port having the predetermined number of accessory contacts is shown in Fig. 1(a) as interface circuitry 20 which is inserted along the pair of speaker lines 15, 13 and the pair of microphone lines 16, 14 that would otherwise normally extend from the telephone base 10 to the handset speaker 11 and the handset microphone 12.

The signal processing circuit having two signal inputs coupled for receiving the input signal from the interface port is shown in Fig. 1(a) as processor 30 which controls the modem 24 in operation voice mode and initiate the data mode in operation data mode.

The directing circuit coupled between the interface port and the signal processing circuit for automatically electrically coupling the output contacts to the signal inputs is shown in Fig. 1(a) as modem 24 which is coupled between interface circuitry 20 and processor 30.

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***Allowable Subject Matter***

5. Claims 41-63 are allowable over the prior art of record.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M. Saint-Surin whose telephone number is (703) 305-4760. The examiner can normally be reached on Mondays through Thursdays from 8:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen, (703) 305-4386 can be reached on (703) 305-4701. The fax phone number for this Group is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-5403, (for formal communications intended for entry)

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**Or:**

(703) 305-3900 [1] (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*



FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700

JACQUES SAINT-SURIN  
PATENT EXAMINER  
*JMS*

Jacques M. Saint-Surin  
July 15, 1999